

REMARKS

Applicant hereby submits this Response to a Non-Compliant Amendment to correct the claim numbering mistake pointed out in the Office action. The second claim 88 has been placed at the end of the claim set as claim number 93. Claim 93 is listed as (previously presented), since two claim 88's have been present in the claim set since the response filed on October 10, 2009.

The remarks from the most recently filed Response dated March 30, 2009 are presented below for the Examiner's convenience and any incorrect claim numbering in the remarks of the response filed on March 30, 2009 have also been corrected below.

Claim Status

Claims 38-42, 44, 46-48, 50, 52, 59-68, 72-79, 82-91 and 93 are not amended by this response and are pending. Claim 92 is canceled.

Telephone Interview

A telephone interview was conducted by Examiner John Bastianelli and Applicant's attorney, Ken Smith. Paragraph number 21 on page 13 of the Office Action dated December 29, 2008 and United States Patent No. 3,599,932 to Scaramucci (herein "Scaramucci") were discussed. It was agreed that rejections based Scaramucci would be withdrawn. However, Examiner Bastianelli indicated that he would prepare and send out a new, Non-Final, Office Action that would reject all of the pending claims.

Claim Rejections 35 USC § 101

Claim 92 is canceled.

Claim Rejections 35 USC § 103

Applicant maintains that claims 38-42, 44, 46-48, 50, 52, 59-68, 72-79, 82-91 and 93 are patentable for at least the reasons set forth in the Amendment and Request for Continued

Examination filed on October 10, 2008. These reasons are not presented here again in detail, since a new, Non-Final, Office Action is being prepared by Examiner Bastianelli.

Should the Commissioner decide that any fee or fee deficiency is due, the Commissioner is hereby authorized to charge any and all such other fees incurred as a result of entering this amendment to deposit account number 03-0172, order number 22188/06985.

Respectfully submitted,



Date: July 17, 2009

Kenneth J. Smith, Reg. No. 45,115

Customer No. 24024

Telephone: 216-622-8674